

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	4:01CR3125
	)	
Plaintiff,	)	
	)	<b>MEMORANDUM</b>
vs.	)	<b>AND ORDER</b>
	)	
DAVID TABOR, JR.,	)	
	)	
Defendant.	)	

This matter is before the court upon Defendant's motion for appointment of counsel on appeal (filing 146) and motion for leave to appeal in forma pauperis (filing 147). Inasmuch as this court does not have jurisdiction to appoint counsel for purposes of appeal, Defendant's motion for appointment of counsel on appeal (filing 146) shall be denied. Defendant is directed to request that the Eighth Circuit Court of Appeals appoint him counsel for purposes of appeal. I will grant the motion for leave to appeal in forma pauperis, as it is properly supported by the poverty affidavit contained within the motion and the appeal appears to be taken in good faith.

IT IS ORDERED:

1. Defendant's motion for appointment of counsel on appeal (filing 146) is denied; and
2. The appeal appears to be taken in good faith and Defendant's motion for leave to appeal in forma pauperis (filing 147) is granted.

April 26, 2005.

BY THE COURT:

s/Richard G. Kopf  
United States District Judge